

REMARKS

The claims have been rejected under 35 USC 112 as failing to conform with current US practice. It appears that the Examiner failed to consider the Preliminary Amendment filed on June 9, 2000, along with the original application filing. The Preliminary Amended adequately addresses the Examiner's concerns. Hence, Applicant's respectfully request that this rejection be withdrawn.

Claims 1-5 have been rejected under 35 USC 103(a) as unpatentable over Diffie in view of Szabo. The rejection is respectfully traversed.

The Examiner states that Diffie discloses the claimed invention, with the exception of "authenticating the subscriber based on the subscriber identity mobile card." However, the Examiner comments that Szabo discloses this feature. Applicant's respectfully disagree.

Szabo discloses a radio system for a closed user group. According to the Examiner, the radiotelephone MS with the card reading device conforms to the GSM standard and can thus also be used for the GSM mobile-radio system. The Examiner therefore concludes that at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the system for encryption of information for radio transmission and authentication of subscribers of Diffie by authenticating subscribers via subscriber authentication cards (i.e. identity mobile cards) as taught by Szabo. This reason for the combination of references, however, would render the invention inoperative and simply does not make sense. The GSM system in Szabo can certainly be used in a GSM system. However, there is no reason why the skilled artisan would combine the nomadic computer device in Diffie with the GSM system of Szabo because Diffie is not a GSM system. More specifically, the computer system in Diffie could not be combined with the authentication system in Szabo since Szabo uses IMSI (individual card based) instead of the SIM device found in Diffie. Moreover, at the time of the invention, the GSM network was considered much more secure than the nomadic system found in Diffie. Applicant's therefore submit that there is no reasons why one having ordinary skill in the art would have been motivated to combine the references.

Additionally, Diffie fails to disclose a core network implementing the authentication based on encrypted information (public keys) that have been sent. Rather, Diffie uses radio transmission equipment (see, for example, Figure 5: base verifies, base decrypts public key using

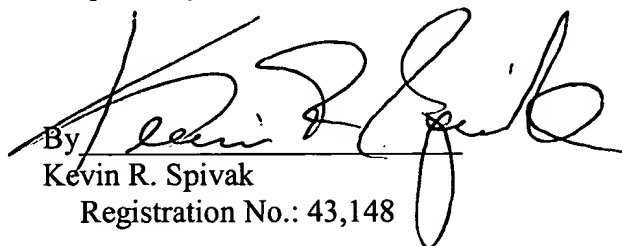
private key, etc.) for implementing authentication. Hence, even a combination of the references would not result in the claimed invention.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122016400. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 16, 2004

Respectfully submitted,

By 
Kevin R. Spivak
Registration No.: 43,148

MORRISON & FOERSTER LLP
2000 Pennsylvania Ave, NW
Washington, DC 20006
(202) 887-1525 - Telephone